

# Albania

*Capital:* Tirana  
*Population:* 2.89 million  
*GNI/capita, PPP:* US\$11,310

Source: World Bank *World Development Indicators*.

Nations in Transit Ratings and Averaged Scores

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
National Democratic Governance	4.25	4.25	4.50	4.75	4.75	5.00	4.75	4.50	4.50	<b>4.50</b>
Electoral Process	4.00	3.75	3.75	4.00	4.25	4.25	4.00	4.00	3.75	<b>3.75</b>
Civil Society	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	<b>3.00</b>
Independent Media	3.75	3.75	4.00	4.00	4.00	4.00	4.00	4.00	4.25	<b>4.25</b>
Local Democratic Governance	2.75	2.75	3.00	3.25	3.25	3.50	3.50	3.50	3.50	<b>3.50</b>
Judicial Framework and Independence	4.00	4.25	4.25	4.25	4.75	4.75	4.75	4.75	4.75	<b>4.75</b>
Corruption	5.00	5.00	5.00	5.00	5.00	5.25	5.25	5.25	5.25	<b>5.25</b>
<b>Democracy Score</b>	<b>3.82</b>	<b>3.82</b>	<b>3.93</b>	<b>4.04</b>	<b>4.14</b>	<b>4.25</b>	<b>4.18</b>	<b>4.14</b>	<b>4.14</b>	<b>4.14</b>

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. If consensus cannot be reached, Freedom House is responsible for the final ratings. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The opinions expressed in this report are those of the author(s).

# EXECUTIVE SUMMARY

Albania was at a crossroads in 2016, forced to choose whether to continue its historical legacy of corruption and organized crime or to make a radical break and live up to the aspirations of its people for a state that will meet European Union (EU) standards. On 22 July, after 18 months of intensive technical work and strained political negotiations, the Albanian parliament passed in a unanimous vote an ambitious set of constitutional amendments on judicial reform. The amendments, and related laws enacted in the second half of the year, are aimed at curbing corruption, organized crime, and political meddling in the judiciary. The political consensus behind the amendments was forged through intense pressure from Albania's international partners, and implementation of the reforms will be a truly formidable challenge for the country's divided political leaders.

Despite police raids and crackdowns, financiers and traffickers managed to extend their cannabis plantations across the country, taking advantage of poor farmers and corrupt state officials. The problem seems deep-rooted in the country's weak economy, youth unemployment, and widespread corruption. Dismantling cannabis cultivation will therefore require complex and unwavering measures, both in the short- and long term, that go beyond the unproductive accusations traded over the left-right political divide. Overall, Albania still has a poor track record in investigating, identifying, prosecuting, and convicting key figures in drug trafficking and other organized crime activities. The "decriminalization" law passed at the end of 2015 has had only minor results in removing incriminated officials from public office and has not yet made a dent in the problem of state infiltration by organized crime.

The ad hoc parliamentary committee on electoral reform failed for over a year to put together an Electoral Code that would comply with OSCE recommendations and international standards. Long-standing electoral concerns, such as allegations of vote buying, pressure on voters, and violence, were repeated in the year's two local by-elections in Dibra and Kolonja municipalities, held in September and November, respectively. The next parliamentary elections are scheduled for 18 June 2017 and will be a crucial test of the decriminalization law adopted in December 2015.

Precarious working conditions for journalists in Albania leave them vulnerable to pressure from political and private interests. While media played a crucial role in exposing corruption and official malfeasance, the forced resignations of a number of journalists over investigative programs demonstrated the continued problem of political pressure on the media.

On a more positive note, civil society groups and activists showed increased vibrancy, organization, and engagement in voicing their concerns about different social and political issues, such as the construction of hydro-power plants on the Valbona and Vjosa rivers and the import of waste for the recycling industry. They exerted pressure on policy and decision-makers through meetings, petitions, lawsuits, court filings, and peaceful protests. Although only a few of these initiatives produced concrete results in 2016, they showed civic engagement in government and gave voice to citizens' concerns.

## No Score Changes.

**Outlook for 2017:** Implementation of justice reform will be at the top of the government agenda with new institutions expected to be established by spring 2017, which will require drafting and enacting more than 40 new justice-related laws. Those who oppose the justice reform will likely intensify their resistance. The June 2017 parliamentary election will contribute to the tension, as political leaders will be engaged in negotiations over preelection alliances while also trying to revise the Electoral Code at the last minute. On 9 November 2016, the European Commission issued a positive recommendation for Albania to open accession negotiations with the EU, but this is conditional upon tangible progress in implementation of the justice reform, in particular, the vetting of judges and prosecutors. Furthermore, to formally open accession talks, the country will need the unanimous support of EU member states.

# MAIN REPORT

## National Democratic Governance

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
4.25	4.25	4.50	4.75	4.75	5.00	4.75	4.50	4.50	4.50

- On 22 July 2016, the Albanian parliament adopted a long-awaited set of constitutional amendments aimed at reforming the justice system in a unanimous vote of all 140 members. Only through intense pressure from the European Union (EU) and the United States was the political consensus reached to achieve this historic break with the past.<sup>1</sup> The constitutional amendments will enable an overhaul of the process for reevaluating, or “vetting,” judges and prosecutors, and a broader institutional reorganization of the justice system (see “Judicial Framework and Independence”). Following the amendments’ approval, the parliament passed a set of seven priority laws urgent for the implementation of justice reform. Some 40 additional justice-related laws were still being prepared at year’s end.<sup>2</sup> The political consensus held further to pass (by 122 votes) the important bill on the specialized institutions in the fight against corruption and organized crime, or SPAK.<sup>3</sup>
- Despite the apparent consensus, negotiations over the judicial reform package were characterized by political grandstanding and maneuvering between the main ruling Socialist Party (PS) and the opposition Democratic Party (PD), accusing each other of alternately undermining the reform and attempting to capture the new justice system.<sup>4</sup> PD’s frequent amendments, and their rejection of compromise proposals from the U.S. and EU senior officials and diplomats, put the opposition leadership into conflict with Albania’s international partners while also fueling internal disputes.<sup>5</sup> PS’s seemingly more comfortable position, on the other hand, was disrupted by the firm request of its junior partner, Socialist Movement for Integration (LSI), that the reform be approved only by consensus. The repeated calls by LSI head Ilir Meta for PS to avoid pressure and arrogance during the negotiations peaked with his threat to resign as Assembly Speaker if PS passed the reforms unilaterally.<sup>6</sup>
- The painful process of achieving consensus for the constitutional amendments had wide-ranging political effects. Since then, the relationship among the governing parties has been marred by insecurities, prodding, and indecision on whether to run together for a second mandate in 2017.<sup>7</sup> Prime Minister Edi Rama of PS did strengthen his relations with his other ally in the parliament, Party for Justice, Integration and Unity (PDIU), by offering them more posts at the level of deputy minister and general director.<sup>8</sup> But two former PS members of parliament (MPs), Ben Blushi and Mimoza Hafizi, announced in October their departure from the PS parliamentary group and subsequently presented their new political party called Equal List, or “Libra.”<sup>9</sup> Another new party targeting disappointed voters, “The Challenge for Albania,” was announced at the same time by Gjergj Bojaxhi, a former independent candidate for mayor of Tirana in the local elections of June 2015.<sup>10</sup>
- The political consensus, however, did not last till the adoption of the judicial reforms themselves that were enabled by the amendments. The crucial “vetting law,” governing the process of reevaluating judges and prosecutors, was adopted with 88 votes from the ruling majority only.<sup>11</sup> The opposition PD and Union of Judges immediately challenged it in the Constitutional Court.<sup>12</sup> The court denied PD’s request in December (see “Judicial Framework and Independence”).<sup>13</sup> Also in December, PD challenged another important piece of the justice reform package, namely, the law on “the governing bodies of the justice system.”<sup>14</sup> The court’s decision was still pending at year’s end.
- An undercurrent running through the political discourse on justice reform involved the related issues of “decriminalization” (removal and prevention of people convicted of crimes from holding public office using legislation adopted in December 2015) and the continued spread of cannabis cultivation.

Accusations of links between government officials and organized crime kingpins continued throughout 2016, especially during the collection and publication of the decriminalization self-declaration forms, where a number of MPs and mayors from all sides were shown to have had problems with the justice system.<sup>15</sup> In May, allegations of a nexus between organized crime and politics reached a climax when a local official in Saranda was named by the Greek police as head of a major drug trafficking ring. Greek media claimed that the “Escobar of the Balkans” had strong connections with Albanian politicians.<sup>16</sup> Before the allegations came to light, the official was holding public office despite having been arrested by the State Police in 2006 on drug trafficking charges.<sup>17</sup>

- The urgent issue of organized crime was also made manifest in the area of cannabis cultivation. Two and a half years after the start of a government crackdown, drug dealers managed to plant at least 2.4 million cannabis seeds across the country, and to traffic across Albania’s borders tons of marijuana worth billions of dollars.<sup>18</sup> The opposition has accused the prime minister and interior minister of protecting drug lords in exchange for illicit proceeds and support. Domestic experts and EU representatives consider the spread of cannabis a national concern with significant repercussions for agriculture, labor markets, social stability, and criminalization of the economy and society, not to mention Albania’s international reputation.<sup>19</sup>

## Electoral Process

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
4.00	3.75	3.75	4.00	4.25	4.25	4.00	4.00	3.75	3.75

- In December 2015, the Assembly agreed to consider a reform of the Electoral Code to fulfill the recommendations of the OSCE/ODIHR final reports on the 2013 general elections and 2015 local elections. But one year later, and with only a few months until the June 2017 parliamentary elections, the process has failed to cross from political debate to concrete results.<sup>20</sup> The only change in 2016 was when the Central Election Commission adjusted the allocation of MP mandates in light of demographic shifts in the country, decreasing by one each the number of MPs for the Kukës, Korça, and Berat municipalities and adding them to Tirana (two) and Durrës (one).<sup>21</sup>
- In December 2015, an ad hoc Parliamentary Committee on Electoral Reform was established, with 10 members from all parliamentary groups, including 2 co-chairs appointed by the ruling majority and the main opposition party.<sup>22</sup> Political parties, civil society election watchdogs, and three former presidents voiced a number of proposals: the depoliticization of electoral administration at all levels, introduction of electronic voting and ballot counting, enabling Albanian citizens abroad to vote, and increased transparency in political party finances.<sup>23</sup> The proposal by LSI head Ilir Meta to introduce open lists of candidates met with opposition from his former ally, ex-prime minister and ex-PD leader Sali Berisha, and some PS MPs.<sup>24</sup> Calls from smaller political parties for changes to the present proportional system and financial support from the state budget were not even considered.<sup>25</sup>
- A total of 57,018 citizens in the northeastern municipality of Dibra elected a new mayor on 11 September following the dismissal and arrest of the former mayor, a PS member who in May was shown in a news report on local television soliciting a 20-year-old woman for sex in exchange for a promotion.<sup>26</sup> Based on the monitoring of the by-election by civil society watchdogs, such as the Coalition of Domestic Observers (KVV) and Coalition for Free and Fair Elections and Sustainable Democracy (KZLN), although the voting and ballot-counting processes were orderly overall, the electoral campaign was spoiled by allegations of vote buying, pressure on voters, and other incidents such as threats and physical assaults.<sup>27</sup> In its statement, the OSCE Presence in Albania underlined that it shared the concern of the Central Election Commission (CEC), which was also raised by independent monitors, about the replacement of over 98 percent of polling station commissioners the day before the elections.<sup>28</sup> The surprisingly high presence of MPs from both sides in this poor

municipality underscored the domination of the electoral process by political parties rather than the candidates themselves. The ruling coalition's candidate, Muharrem Rama, won by a notable margin with 56.3 percent of the vote, or 4,162 more votes than the opposition candidate, Sherefedin Shehu. Voter turnout was reported as 60 percent.<sup>29</sup>

- Following the unexpected death of the mayor of Kolonja, a much smaller southeastern municipality, around 50 percent of eligible voters turned out on 20 November to elect their new mayor.<sup>30</sup> The left-wing candidate, Ilia Stefo, won with an advantage of around 2,000 votes over his rival, or 62.86 percent compared to 37.14 percent of the votes. A violent incident and allegations of vote buying were registered during the campaign.<sup>31</sup>

## Civil Society

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00

- Albania's civil society is experiencing an awakening. Throughout 2016, citizen movements, activists, online social networks, civil society organizations (CSOs), business associations, ad hoc initiatives, and ordinary people, all unaffiliated with political parties, became more active and vocal about various social, economic, and political issues.<sup>32</sup> They voiced their concerns through discussions with policymakers, proposals for legal amendments, calls for swift approval of the justice reform, petitions to the president, requests filed with the Constitutional Court against certain legal initiatives, protests, and even clashes with the police.
- Active groupings included the Alliance Against the Import of Waste protesting waste imports for the recycling industry,<sup>33</sup> environmentalists, kayakers, jazz singers, journalists, and local residents protesting the construction of hydro-power plants on the Vjosa and Valbona rivers in Skavica and Rukaj, respectively,<sup>34</sup> the #ProReformës initiative, a group of civil society representatives in support of the adoption and implementation of the justice reform;<sup>35</sup> the "For the University" and "shqipON" movements that, among other issues, protested in January against the lack of justice over the killings of four protesters in 2011;<sup>36</sup> #Thurje Initiative, a civil society group promoting increased civic engagement;<sup>37</sup> and the informal groups "Citizens for the Park" and "Plant Your Tree," which opposed the construction of a children's playground in Tirana's Artificial Lake Park area.<sup>38</sup> Despite meager media coverage, protests were organized also by Tirana taxi drivers and Ballsh Oil Refinery and Fier bypass workers, who expressed concerns, respectively, about informal working conditions and unpaid salaries.<sup>39</sup> Some of these initiatives had policy impact. The president decided to return to the parliament the law allowing imported waste for recycling purposes, which had provoked numerous protests by civil society activists and forced the ruling coalition to postpone its revision until next year.<sup>40</sup>
- According to the latest CSO Sustainability Index, the legal environment and financial viability of civil society organizations improved slightly in the last year. However, other indicators assessed remained the same, namely, organizational capacity, infrastructure, advocacy, and public image.<sup>41</sup> In April, the parliament passed a bill on volunteerism seeking to give a legal status to voluntary work in order to foster civic participation, enhance solidarity, and improve community life.<sup>42</sup>
- The business community is also an active part of Albania's civil society. Business associations, traders, workers, and self-employed professionals were active during the year through protests, petitions to the president, and requests to the Constitutional Court. In March, the court ruled to abolish a number of provisions of the amended law on fiscal procedures following a request by the Association for the Protection of Markets and Traders.<sup>43</sup> In July, the court rejected an article of the amended law on the collection of social contributions and its supplementing governmental decision

on the basis of a request by the National Chamber of Advocates. The repealed provision had tripled the reference wage for self-employed professionals.<sup>44</sup>

- In October, a week after receiving a joint request from 18 business associations,<sup>45</sup> the president returned to parliament a new law on chambers of commerce that required mandatory membership in the Public Chamber of Commerce.<sup>46</sup> The business associations had argued that this was a return to Communist practices of compulsory membership. Earlier in February, the Foreign Investors Association of Albania had also lobbied the parliament against the bill.<sup>47</sup>
- Like other states in the Balkans, Albania has been affected by radicalization and violent extremism. Dozens of Albanian citizens (the exact numbers are contested) have gone to fight in Syria and Iraq.<sup>48</sup> Civil society organizations, local religious leaders, and researchers are engaged in research and awareness-raising campaigns to better understand violent extremism and its prevention.<sup>49</sup> With the aim to encourage further work within local communities on countering violent extremism, the EU Commission launched a call in July for proposals in this area with a total budget of €670,000.<sup>50</sup>

## Independent Media

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
3.75	3.75	4.00	4.00	4.00	4.00	4.00	4.00	4.25	4.25

- Albania's media sector faced significant if not novel political pressures in 2016. Investigative stories and those critical of the authorities often resulted in repercussions for individual journalists. The sector is vulnerable due to weak financial sustainability and a high rate of informal working conditions for many journalists. There were a number of legislative proposals affecting the media discussed and even passed through the parliament in 2016, but they did not make it to law.
- Presently, an estimated 5,300 people work in the media industry in Albania, of which 2,300 are journalists. During a hearing of the parliamentary committee on media, the head of the Union of Albanian Journalists, Aleksandër Çipa, reported that 95 percent of media employees are not paid on time, and 30 percent had not received their salaries for the last three to four months. Informal work and a lack of collective contracts are considered the biggest labor issues in the industry.<sup>51</sup>
- At least three journalists faced humiliating treatment and unfair dismissals due to their work in an Albanian media environment where the editorial line is largely determined by the economic and political interests of media leaders. Alida Tota, editor-in-chief of A1 News TV, was dismissed in August after trying to broadcast a secretly recorded video on the death of a 17-year-old worker, Ardit Gjoklaj, in a recycling plant at the Sharra landfill in Tirana and the miserable working conditions there. The mayor of Tirana, Erion Veliaj, had earlier promoted the landfill's conditions.<sup>52</sup> In October, the show *Publicus* on Vizion Plus TV was pulled off the air after broadcasting another investigation into the recycling plant at the landfill entitled "The Deadly Mound."<sup>53</sup> In the face of accusations that he had censored the show, Veliaj publicly challenged any journalist to prove his involvement in the cancellation.
- Another editor-in-chief, Mentor Kikia, announced via Facebook in September that he had been discharged from the position he held at Top Channel TV for nearly 16 years. He wrote that his critical views and articles published elsewhere were verbally but not formally given as reasons for his dismissal.<sup>54</sup> In September, Ada Eqimi won a case against her former employer TV Klan in Tirana District Court. The court found that she was sacked after defying the editor-in-chief's order to insert images inconsistent with the content of the news.<sup>55</sup>
- In June, the American Hospital sued journalists of *Shëndet+* newspaper on claims of having damaged its image through the publication of an article<sup>56</sup> referring to patient complaints about the poor quality of food and hygiene in the hospital. A few months later, the plaintiff's attorneys filed a motion with

the court to remove the article from the internet until the final decision. Journalists saw the request for temporary removal as an attempt at censorship, and the judge denied the request.<sup>57</sup> The case remained open at year's end. In December, a journalist from TV Klan's investigative show *STOP* was charged with corruption after secretly filming the purchase of a Vespa motor scooter from the State Reserve in an effort to document corruption.<sup>58</sup>

- A number of legislative initiatives affecting journalism and the media were stalled during the year. In April, the president returned to the parliament amendments to the media law specifying the election of the Public Broadcasting Service (RTSH) General Director with a simple majority of members of the board of directors in the fourth round. The president argued that using a simple majority for the election of the director but a qualified majority of two-thirds for his/her dismissal would de facto mean electing someone whom the ruling majority could preserve in office without challenge.<sup>59</sup> The Union of Albanian Journalists had earlier called on the president not to sign the amendments for the same reason.<sup>60</sup>
- An e-commerce draft law, particularly article 17 specifying the liability of service providers for information they store, sparked concerns about editorial autonomy and fears of censorship on online media platforms.<sup>61</sup> The act is aimed at transposing the relevant EU Directive into Albanian legislation but has yet to pass in the parliament.<sup>62</sup>
- A proposal from a PD MP aimed at filtering online comments, which has been on hold since the beginning of 2015 amid controversy, is soon to be reviewed by the parliament. The proposal had been awaiting the decision of the Grand Chamber of the European Court of Human Rights (ECtHR) in the case of *Delfi AS v. Estonia*, which in June 2015 confirmed the liability of an online news platform for its readers' offensive comments.<sup>63</sup>
- In May, the Constitutional Court ruled in favor of a controversial request to repeal Paragraph 3 of Article 62 of the media law, which had imposed media ownership limitations for national commercial broadcasters. An earlier attempt by a PS MP to revoke all limitations on media ownership had been quashed in 2015 by the parliamentary committee on media after it came under strong criticism from domestic and international actors.<sup>64</sup> In its November progress report, the European Commission recommended alignment of Albania's ownership limitations with international standards.<sup>65</sup>
- In terms of the justice reform, journalists, opinion-makers, and politicians reacted negatively to two provisions in the draft laws, namely, Article 13 of the special anticorruption prosecutions office and Article 6 on the prosecutor's office, which provided for prison terms for journalists who influence prosecutors on specific cases.<sup>66</sup> Calling the articles serious threats to media independence, the journalists' associations met with the chair of the ad hoc parliamentary committee on judicial reform and agreed to a revised version of both articles that no longer specified prison terms for journalists.<sup>67</sup>
- In February, local television outlets protested new tariffs set by RTSH and approved by the media regulatory authority (AMA) for broadcasting in digital networks. Following the shutdown of analog broadcasts, all local television channels are required to join the RTSH digital networks on the basis of a monthly fee of around \$1,167, and \$2,335 for those operating in the areas of Tirana and Durrës.<sup>68</sup>

## Local Democratic Governance

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
2.75	2.75	2.75	3.00	3.25	3.25	3.50	3.50	3.50	3.50	3.50

- An administrative and territorial reform in Albania in 2014 shrunk the number of municipalities and communities from 373 to 61, and gave more powers to mayors and budgetary resources to municipalities. With implementing legislation adopted only in December 2015, this year was

supposed to be for implementation of decentralization, but the reforms progressed slowly and without the projected efficiencies.

- A mission of the Council of Europe Congress of Local and Regional Authorities that visited Albania in February reported that implementation of the decentralization reform had been moving slowly, with mayors elected in June 2015 confused about their new competences in addition to such inherited problems as the lack of human and financial resources.<sup>69</sup> The 61 newly established municipalities continue to face financial burdens despite an increase in local government budgets up to 3.2 percent of GDP in 2016, an increase of 0.4 percent.<sup>70</sup> An audit revealed that the 12 largest municipalities had some \$163.1 million in debt, 78 percent of which belonged to Tirana.<sup>71</sup>
- The territorial-administrative reform has failed thus far to produce its proclaimed goal of reducing expenses. The projection was to reduce personnel expenses by 60 million euros, but in the first half of the year wage-related expenses actually grew by 35 percent, while public investments shrunk by 41 percent.<sup>72</sup> The Minister of State for Local Government explained the wage-related increase by arguing that around 8,000 central government employees are now working for the municipalities for the delivery of a number of services the municipalities did not previously offer. Experts pointed out that even this figure was far from the stated objective of reducing personnel by 25,000 positions.<sup>73</sup> Meanwhile, the ombudsman, in a monitoring report covering 51 of the new municipalities, found that a total of 3,059 local government employees had been dismissed, in most cases unfairly as proven by court decisions in their favor.<sup>74</sup>
- The Council of Europe mission in February noted that political patronage was used for electoral support,<sup>75</sup> and reporters of the Balkan Investigative Reporting Network (BIRN) have pointed to allegations of bias, opacity, and political favoritism in the process of grant-making by the Regional Development Fund, which is essentially managed by the left-wing central government. BIRN showed that out of 99 projects financed in 2014–15, only 7 went to right-wing municipalities. For instance, Shkodra, the largest municipality in the north and a PD stronghold, received only 0.73 percent of the total amount of grants awarded by the Regional Development Fund.<sup>76</sup>
- Nevertheless, preparation of a new draft law on local government finances is ongoing to accommodate the decentralization of some services and their accompanying expenditures.<sup>77</sup> In July, the country started the second phase of the Support to Territorial and Administrative Reform (STAR2) project aimed at supporting the 61 new municipalities by strengthening institutional and administrative capacities, improving service delivery, and increasing public participation in decision-making. The \$8.2 million project will be implemented over three and half years.<sup>78</sup>

## Judicial Framework and Independence

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
4.00	4.25	4.25	4.25	4.75	4.75	4.75	4.75	4.75	4.75

- In the early hours of 22 July, after 18 months of intense technical work and strained political negotiations, the Albanian parliament unanimously passed a set of 46 constitutional amendments needed to support reform of the judicial system. The radical reform that should follow is intended to address pervasive corruption in the judiciary as well as strengthen its independence from organized crime and political meddling.
- Implementation of the adopted constitutional amendments now requires the drafting and enactment of 40 new justice-related laws, in addition to the 7 priority laws already adopted in 2016.<sup>79</sup> These priority laws include the law on the temporary reevaluation of judges and prosecutors (“vetting law”); law on the organization and functioning of the institutions specialized in fighting corruption and organized crime (Special Prosecution Against Corruption, or SPAK); law on the conditions of service



of judges and prosecutors; and law on the reorganization of the judicial structures, including the Prosecutor's Office, the Constitutional Court, and the governing organs of the justice system.

- The “vetting law,” approved in August by a qualified majority of the ruling coalition, specifies the reevaluation of all judges and prosecutors, including their advisors and assistants, based on checks of assets, background (for connections with organized crime), and professionalism.<sup>80</sup> PD immediately challenged the law in the Constitutional Court, arguing in part that performance of the vetting by institutions under government control rather than independent bodies violated the separation of powers.<sup>81</sup> The court denied PD's request in December, drawing in part on an amicus curiae opinion of the Venice Commission.<sup>82</sup> In December, PD also challenged the law on “the governing bodies of the justice system,” arguing against the formula for the parliament's selection of members of the Prosecution Councils and Supreme Judicial Council.<sup>83</sup> The court's decision was still pending at year's end.
- The justice reform package includes a series of reconstructed and new judicial institutions to be set up by spring 2017 that are intended to ensure independence, functionality, and accountability, and, particularly, to combat corruption within the judiciary and among state officials. The High Judicial Council (HJC) and the High Prosecution Council will stand at the apex of the judicial and prosecutorial apparatuses. Corruption, organized crime, and other criminal offenses committed by current and former top-ranking officials will be investigated and adjudicated by special prosecutors in specialized courts. A Special Prosecutions Office, including a subordinate investigative unit, will be independent of the Prosecutor General. Prior to their appointment, all special judges and prosecutors will have to pass a review of their assets, background (i.e., potential ties to organized crime), and will consent to periodic reviews of their financial accounts and personal communications. A High Justice Inspector will verify complaints against judges and prosecutors at all levels, investigate any misconduct by them, as well as inspect all courts and prosecution offices. All candidates for the top judicial positions will come under the scrutiny of the Justice Appointments Council. To reestablish the proper functioning of the rule of law, independence, and public trust in the judiciary, a reevaluation mechanism has been introduced. In collaboration with the International Monitoring Operation, an Independent Qualification Commission and an Appeal Chamber will operate for five and nine years, respectively, to ensure that the assets, background, and proficiency of all civil servants in the judicial sector are in compliance with the law. Also, two Public Commissioners will represent the public interest in the reevaluation system.<sup>84</sup>
- The reform has already had an effect on the selection of judges in one international forum. On 6 October, the Parliamentary Assembly of the Council of Europe's Committee on the Election of Judges to the European Court of Human Rights (ECTHR) recommended that the Assembly reject all three candidates for Albania's seat on the court.<sup>85</sup> The committee argued that the national selection procedure had not been in line with Albania's newly adopted standards and those of the Assembly.<sup>86</sup>
- The judicial reform is intended to respond to a corrupt and inefficient judicial sector. Pervasive corruption within the judiciary, as well as in the healthcare sector, was highlighted by the latest report of the U.S. Department of State as the most pressing human rights violations encountered by Albanian citizens.<sup>87</sup> These problems are made worse by an endemic culture of elite impunity.<sup>88</sup> In October, the head of the Gjirokastra Court was suspended by the High Council of Justice following publication in the media of an audio recording suggesting he had solicited a woman for sex in exchange for a positive ruling on her case.<sup>89</sup> In December, the Durrës Appellate Court released on probation Lulzim Berisha, leader of the notorious Durrës criminal gang, who had been sentenced to 25 years in prison in 2014 for the murder of five people and the creation of an armed gang.<sup>90</sup>
- The inefficiency of the legal system in settling disputes and challenging regulations, and problems with independence, place Albania 120<sup>th</sup> out of 140 countries in judicial independence, according to a World Economic Forum study.<sup>91</sup> A project initiated in 2013 by USAID/JuST and the OSCE Presence in Albania with the aim to increase the efficiency of trials has shown some success in the pilot courts of Korça, Kruja, Puka, and Tropoja municipalities. The project was spurred in part by an OSCE study

showing that almost half of court hearings were unproductive, i.e., lacking any arguments, documents, evidence, or additional motions filed with the court.<sup>92</sup> Another study found that only 9 percent of the sample cases were finished within the legal deadline of 30 days by the Administrative Court of Appeals, and that the average duration of trial sessions was 343 days. First-instance administrative court proceedings were reported as being slightly faster, with 16 percent of cases concluded within 30 days, and an average duration of 135 days for all studied cases. Reduced staff, functioning with almost half the judges stipulated by law, and lack of electronic case registers, databases, and websites are among the problems hampering the work of these courts.<sup>93</sup>

- At year's end, 488 applications from Albanian citizens were waiting to be heard by the ECtHR. Many concern the right to a fair trial, lengthy proceedings, and non-enforcement of final court decisions, in particular, cases involving restitution of property, a long-standing and pervasive problem affecting a significant part of the population.<sup>94</sup> Four related cases concerning property inheritance concluded by the court in March-April 2016 resulted in \$25 million in rulings against the state.<sup>95</sup> One of the four protesters killed in the 21 January 2011 demonstration filed an application with the ECtHR in 2016.<sup>96</sup> An important pending case involves family members of the victims of the deadly Gërdec ammunition dump blast in March 2008.<sup>97</sup>
- The ombudsman and Albanian Helsinki Committee have repeatedly raised the issues of treatment of mentally ill detainees, violence, and prison overcrowding.<sup>98</sup> In June, the Helsinki Committee stated that 165 individuals in need of treatment in specialized institutions were being held instead in prisons and detention centers.<sup>99</sup>

## Corruption

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
5.00	5.00	5.00	5.00	5.00	5.25	5.25	5.25	5.25	5.25

- The fight against corruption is at the core of the justice reform package passed in 2016. The laws on vetting and “organization and functioning of the institutions specialized in fighting corruption and organized crime” (commonly called the Special Prosecution against Corruption, or SPAK) are the primary new mechanisms against economic and political corruption as well as the influence of organized crime in the judiciary and beyond. The vetting law is aimed at cleansing the justice system through a detailed examination of the assets, professionalism, and possible ties with organized crime of all judges, prosecutors, and candidates for posts in the new judicial system.<sup>100</sup>
- The second initiative, SPAK has a broader anticorruption goal. It aims to investigate and adjudicate all corruption and organized crime offenses by former and current senior officials, including political leaders. All SPAK magistrates will be thoroughly vetted prior to their appointment and subject thereafter to periodic financial examinations as well as inspections of their communications. The Special Prosecutions Office, including its supporting investigative unit, will be independent of the General Prosecutor. The new independent investigative unit, National Bureau of Investigation (BKH), is modeled after the American FBI, and its experts will be trained at the latter's academy in the U.S.<sup>101</sup>
- The so-called decriminalization law adopted in December 2015 is intended to facilitate the removal of incriminated individuals from public office. Pursuant to the law, officials submitted self-declaration forms in 2016 that were then referred to the Prosecutor's Office for review by its Integrity Verification Office established in March.<sup>102</sup> The self-declaration forms revealed that at least 10 MPs, split equally between the left and right parties, and 5 PS and PD mayors had problems in the past with the justice system, meaning they had been arrested, prosecuted, or convicted for various offenses.<sup>103</sup> In response to media allegations of lack of full transparency by some of the declared subjects, the mayors of Kavaja and Tepelena claimed that they had not been aware of the criminal sentences

against them.<sup>104</sup> After the General Prosecutor accused two MPs and the mayor of Kavaja of lying about their pasts and hiding their criminal records, the Central Election Commission decided to dismiss them from office.<sup>105</sup>

- Several other public officials were suspended or forced from office due to corruption allegations in 2016. In May, PS MP Koco Kokëdhima was removed from office after the Constitutional Court found that one of his companies had benefited from public funds while he was an MP.<sup>106</sup> In July, a High Court judge, Majlinda Andrea, was suspended from duty following a prosecution inquiry that revealed she had taken €50,000 through her spouse for a positive ruling on a case being tried by the court.<sup>107</sup> In September, the former PD minister of labor and social welfare, Spiro Ksera, was sentenced by the Tirana District Court to 20 months in prison on abuse of office charges.<sup>108</sup>
- On 2 June, the parliament adopted a new law on whistleblowers that covers public- and private-sector employees. The law specifies new procedures for investigating disclosed misconduct in the workplace, while also offering protection from any form of retaliation against whistleblowers.<sup>109</sup>
- Since February, Tirana police officers have been patrolling with cameras installed on their uniforms as part of a project aimed at curtailing bribery and other misconduct, which will expand to other cities in the future.<sup>110</sup> Bribery has been a major and persistent concern in Albania, particularly among traffic police.
- Corruption distorts Albania's economy. In January, the International Monetary Fund representative in Albania told the magazine *Monitor* that a number of taxes and regulations had been changed to fit the interests of a small number of beneficiaries at the expense of others.<sup>111</sup> Despite years of mutual accusations across the political divide over corrupt and failed policies, Albanian citizens continue to pay the highest prices in the region for oil and international flights.<sup>112</sup> A recent assessment of the national integrity system by Transparency International noted several media allegations of corruption and gross mismanagement revolving around the lucrative business of concessions and public-private partnerships, notably, in the healthcare sector.<sup>113</sup>
- A report issued in 2016 by the United Nations Economic Committee for Europe found that “every consignment entering or leaving Albania” was being charged a scanning fee, not only at the port of entry or exit but also at the point of destination, and even at destinations where no scanning took place or where there were no scanners installed. The report called this an unacceptable practice that created “an effective tax not based on law.”<sup>114</sup> The Ministry of Finance, however, claimed that the government is unable to cancel the fee because the cancellation would cost Albania over €300 million in arbitration due to a concession the government signed in 2011 with the company Rapiscan.<sup>115</sup>
- The government made a similar argument following numerous protests by civil society activists urging the government to stop the construction of 11 hydro-power plants (HPP) on Valbona river and the cancellation of three concessionary agreements concerning the HPPs signed by the former and current government.<sup>116</sup> Environmentalists have warned that the HPPs will cause irreparable damage to the Valbona Valley, also known as the “Albanian miracle of the Alps.”

AUTHOR: BESFORT LAMALLARI

*Besfort Lamallari has completed an MSc in Criminology and Criminal Justice at the University of Oxford, and is currently carrying out research on organized crime and terrorism.*

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